

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

FARREL PAYNE §  
V. § CIVIL ACTION NO. 9:06CV148  
DR. ABBAS KHOSHDEL, ET AL. §

ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

**ORDERED** that the above-styled case shall be and is hereby **DISMISSED WITH PREJUDICE** as frivolous from the docket of this Court. It is further recommended that to the extent that Petitioner complains of the denial of his eyeglasses, such claim shall be **DISMISSED WITH PREJUDICE** for failure to exhaust administrative remedies.

All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 6 day of February, 2007.

  
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Ron Clark, United States District Judge